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JAN 19 2006

Date: 1/19/2006

Fax Number: 703-273-8300

To: Examiner Pia F. Tibbits/ Petition to Withdraw Abandonment

From: Sean Kaufhold

RE: Battery Charger and Emergency Power Supply Assembly

Serial No. 10/734,633

Office Action

Total Number of Pages (Including cover sheet): 8

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Docket No. FRA3320

JAN 19 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of)

5 Michael H. Goff)

Serial No.: 10/734,633)

Filed: 12/15/2003)

For: Battery Charger and Emergency Power Supply Assembly)

Examiner: Pia F. Tibbits)

10 Group Art Unit: 2838)

Attorney: Sean A. Kaufhold)

Mail Stop Non-Fee Amendment

Honorable Assistant Commissioner for Patents

15 P.O. Box 1450

Alexandria, VA 22313-1450

FEE CALCULATION: No Additional Fees Due.20 **Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181**

Responsive to a Notice of Abandonment issued by the Patent Office on November 11th, 20005.

25 **Table of Contents**

Remarks: Page 2

Conclusion: Page 3

Attachment: copies of notice of allowance filed on 8/22/05 and all accompanying documents

30

REMARKS**Response to Notice of Abandonment**

This is in response to a notice of abandonment issued by the Office on November 11th, 2005. It is the applicant's position that the notice of abandonment was issued incorrectly as formal drawings were sent to the Office with the Notice of Allowance on August 22nd, 2005 along with a certificate of mailing. Further, applicant's counsel never received a copy of the notice of abandonment and it was only through an internal audit using PAIR that counsel became aware of the notice of abandonment.

As to the first point, the Examiner required a formal replacement for the amendment filed with an office action March 17th, 2005. That office action response resulted in a notice of allowance to be issued on May 25th, 2005. The notice of allowance requested formal drawings to be submitted with the issue fee. That request was fulfilled and therefore it is believed that the notice of abandonment was issued in error.

As to the second point, counsel never received the notice of abandonment and was unaware of it until today, January 19th, 2006. The notice of abandonment, as shown on PAIR, does not appear to include a date by which a response could, or should, be filed. However, any such lapse in time should be irrelevant due to the fact that it is believed the notice of abandonment was erroneously issued and counsel never received the notice of abandonment.

For the above reasons applicant requests that the notice of abandonment be removed and the application be allowed to issue.

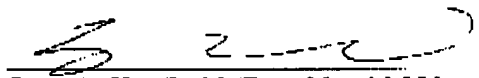
CONCLUSION

5

In light of the foregoing amendments and remarks, early consideration and allowance of this application are most courteously solicited.

Respectfully submitted,

10



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Date: 1/19/06

JAN 19 2006

PTO/SB/92 (05-03)

Approved for use through 04/30/2003 OMB 0561 0031
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on

8/22/05

Date

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Jason Hornschoff

Typed or printed name of person signing Certificate

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10/774673

2 pages NDA

1 check

1 page Commercial Drawings

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Replacement Sheet

FIG. 1

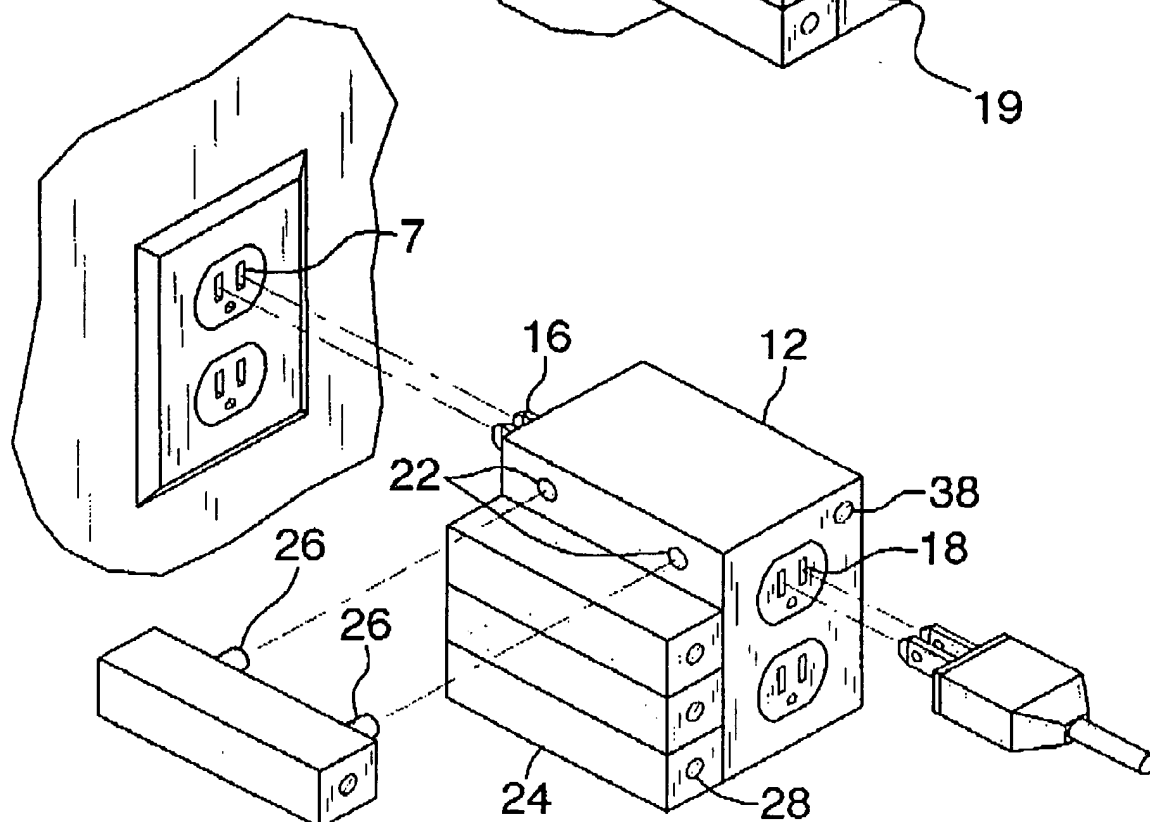
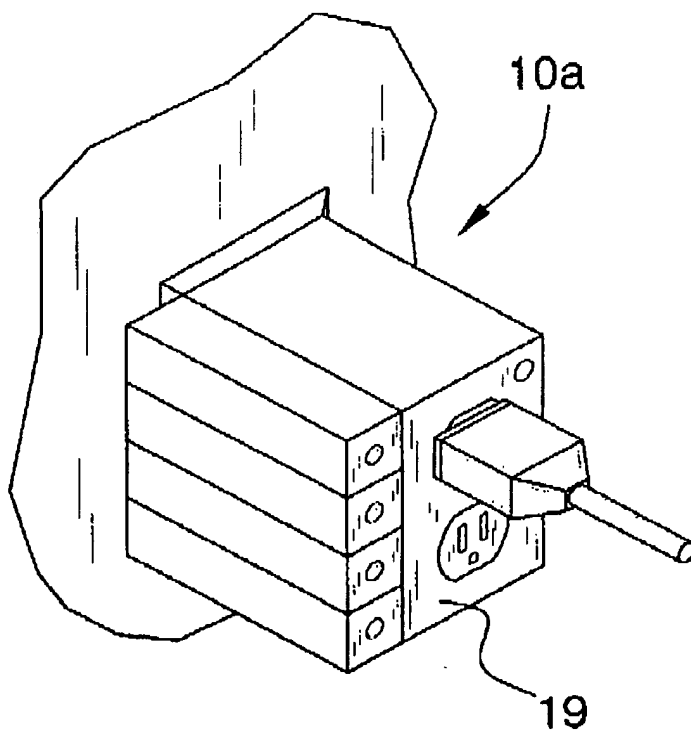


FIG. 2



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United States Patent and Trademark Office
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NOTICE OF ALLOWANCE AND FEE(S) DUE

34088 7590 05/25/2005

SEAN KAUFHOLD
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SIOUX FALLS, SD 57109

EXAMINER

TIBBITS, PIA LORENCE

ART UNIT

PAPER NUMBER

/K18

DATE MAILED: 05/25/2005

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
10/734,673	12/15/2003	Michael H. Goff	FRA 3330	2902

TITLE OF INVENTION BATTERY CHARGER AND EMERGENCY POWER SUPPLY ASSEMBLY

APPLN TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	08/25/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

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B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above

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JAN 19 2006

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SEAN KAUFHOLD

P. O. BOX 89626

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<i>Jason Wornat</i>	(Depositor's name)
<i>[Signature]</i>	(Signature)
8/22/05	(Date)

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO.
10/734,633	12/15/2003	Michael H. Goff	FRA 3320	2002

TITLE OF INVENTION BATTERY CHARGER AND EMERGENCY POWER SUPPLY ASSEMBLY

APPLN TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	08/25/2005

EXAMINER	ART UNIT	CLASS-SUB-CLASS
TIBBITS, PIA FLORENCE	2838	12A-107000

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5 Change in Entity Status (from status indicated above)

☐ a Applicant claims SMALL ENTITY status. See 37 CFR 1.27☐ b Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2)

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

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Date

Typed or printed name

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